

## DRUGS ACTIONABLE BECAUSE OF DECEPTIVE PACKAGING

**1948. Misbranding of Victory Ointment. U. S. v. 12 Dozen Cartons of Victory Ointment. Default decree of condemnation and destruction. (F. D. C. No. 19424. Sample No. 1365-H.)**

**LIBEL FILED:** March 19, 1946, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about February 7, 1946, by the Drexel Laboratories, from Drexel Hill, Pa.

**PRODUCT:** 12 dozen cartons, each containing 1 1-ounce jar, of *Victory Ointment* at Jacksonville, Fla.

**NATURE OF CHARGE:** Misbranding, Section 502 (i) (1), the container was so made, formed, and filled as to be misleading, since the carton was much larger than was necessary to hold the size of the jar placed therein; and, Section 502 (b) (2), it failed to bear a label containing an accurate statement of the quantity of contents, since the jar label failed to bear any quantity of contents statement.

**DISPOSITION:** May 28, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1949. Misbranding of F & F Medicated Lozenges. U. S. v. 149 Dozen Packages of Medicated Lozenges. Default decree of condemnation. Product delivered to a charitable institution. (F. D. C. No. 19558. Sample No. 16391-H.)**

**LIBEL FILED:** March 27, 1946, Eastern District of Wisconsin.

**ALLEGED SHIPMENT:** On or about February 2, 1946, by the F & F Laboratories, Inc., from Chicago, Ill.

**PRODUCT:** 149 dozen packages of *medicated lozenges* at Milwaukee, Wis.

**LABEL, IN PART:** "F&F Medicated Lozenges For Coughs due to Colds Net Weight 2½ Oz."

**NATURE OF CHARGE:** Misbranding, Section 502 (i) (1), the container of the article was so filled as to be misleading since an additional 6 lozenges could be placed in each package.

**DISPOSITION:** June 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered to be disposed of in accordance with the further order of the court. The product was subsequently delivered to charitable institutions.

**1950. Misbranding of adhesive strips. U. S. v. 151 Cartons of Adhesive Strips. Default decree of condemnation. Product ordered delivered to public institutions. (F. D. C. No. 17300. Sample No. 12018-H.)**

**LIBEL FILED:** August 24, 1945, District of Rhode Island.

**ALLEGED SHIPMENT:** On or about July 10, 1945, by the Hampton Manufacturing Co., from Carlstadt, N. J.

**PRODUCT:** 151 cartons, each containing 12 packages, of *adhesive strips* at Providence, R. I.

**LABEL, IN PART:** "12 Blue Cross Sterilized Adhesive Strips Mercurochrome Pad."

**NATURE OF CHARGE:** Misbranding, Section 502 (i) (1), the container was so made, formed, and filled as to be misleading since the retail package was much larger than was necessary to contain the number of adhesive strips placed therein.

**DISPOSITION:** September 27, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to public institutions.

## INDEX TO NOTICES OF JUDGMENT D. D. N. J. NOS. 1901 TO 1950

## PRODUCTS

	N. J. No.		N. J. No.
Alcohol, isopropyl	1918	Benzedrine sulfate tablets	1903
Aminophyllin and phenobarbital tablets	1920	Betaplex	1915
Bandages and dressings	1925, 1950	B-I-F Combination	1905
		Blackturk	1940

# FEDERAL SECURITY AGENCY

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

1951-2000

#### DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

MAURICE COLLINS, *Acting Administrator, Federal Security Agency.*  
WASHINGTON, D. C., May 29, 1947.

#### CONTENTS\*

	Page		Page
Drugs and devices actionable because of potential danger when used according to directions.....	251	Drug actionable because of the presence of a noncertified coal-tar color.....	259
Drugs actionable because of failure to bear adequate directions or warning statements.....	253	Drugs and devices actionable because of deviation from official or own standards.....	259
Drug actionable because of the presence of a habit-forming narcotic without warning statement.....	258	Drugs and devices actionable because of false and misleading claims.....	264
Drugs actionable because of contamination with filth.....	258	Drugs for human use.....	264
		Drugs for veterinary use.....	273
		Drugs actionable because of omission of, or unsatisfactory, ingredients statements.....	276
		Index.....	277

#### DRUGS AND DEVICES ACTIONABLE BECAUSE OF POTENTIAL DANGER WHEN USED ACCORDING TO DIRECTIONS

1951. **Adulteration and misbranding of Livo-Plex.** U. S. v. Vincent Christina and Co., Inc., and Vincent Christina. Pleas of guilty. Fine, \$1,500. (F. D. C. No. 15497. Sample Nos. 53586-F, 53588-F, 58700-F.)

INFORMATION FILED: April 17, 1946, Southern District of New York, against Vincent Christina and Co., Inc., New York, N. Y., and Vincent Christina, president of the corporation.

ALLEGED SHIPMENT: On or about May 2 and June 1 and 19, 1944, from the State of New York into the State of Maryland.

PRODUCT: *Livo-Plex*. Bacteriological examination showed that the product was contaminated with living micro-organisms.

LABEL, IN PART: "Vial 10 cc. Livo-Plex \* \* \* For Intramuscular Use."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality and purity of the article fell below that which it purported and was represented to possess. Its labeling bore the statement "For Intramuscular Use," which implied that it was an appropriate drug to be used for injection into the muscular tissues, a use which requires a sterile product, whereas the article was unsterile and was contaminated with viable micro-organisms.

Misbranding, Section 502 (j), the article would be dangerous to health when used in the dosage suggested in the labeling, "Each 1 cc contains: Injectable

\* For failure to bear a label containing an accurate statement of the quantity of the contents, see Nos. 1955, 1956, 1962, 1966, 1978; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, Nos. 1956, 1962; cosmetic, actionable under the drug provisions of the Act, No. 1978.